

process claims for the preparation thereof will be rejoined and allowed.

The Applicant hence respectfully requests the non elected process claims to be rejoined and allowed along with the product claims in case of allowance of the product claims.

Claims 22 to 36 are now pending.

Rejections under 35 U.S.C. 102(b)

Claims 22-36 were rejected under article 35 U.S.C. 102(b) over Chase et al. (WO 94/28181).

This rejection is respectfully traversed and reconsideration is requested for the reasons that follow:

Before commenting on the prior art, the Applicant would like to define more clearly the invention so as to emphasize the differences between the dextrose hydrate of the invention and the dextrose hydrate of Chase et al..

The Applicant further provides an Affidavit from Mr. Philippe LEFEVRE which is a named inventor of the present invention and which declares that the claimed product differs from the product of Chase et al..

The dextrose hydrate of the invention:

The dextrose hydrate of the invention is rather an agglomerate than properly a powder. This product is obtained by a granulation process of a crystalline dextrose hydrate such as the crystalline α monohydrate dextrose powder prepared by Chase et al..

The granulation process confers to the final product, i.e. the dextrose hydrate of the invention, its exceptional compressibility properties.

The crystalline α monohydrate dextrose powder of Chase et al.
and differences with the dextrose hydrate of the invention:

The dextrose hydrate of Chase et al. is a crystalline α monohydrate dextrose powder which is obtained by spray drying and then crystallization (see page 2, lines 16 to 20). This crystalline α monohydrate dextrose powder does not have the compressibility properties of the dextrose powder of the invention because the spray drying technique cannot impart such compressibility properties.

In fact, the crystalline α monohydrate dextrose powders of Chase et al., obtained by crystallization, may be used as starting material for the preparation of the dextrose hydrate powder of the invention. This is shown in example 1 of the instant application in which the crystalline α monohydrate dextrose labeled "A" (such as those of Chase et al.) is used as starting product for the preparation of the dextrose powders B, C and D of the invention.

Further, Table I of example 1, compares the physical properties of the starting crystalline α monohydrate dextrose "A" (such as those prepared by Chase et al.) toward the dextrose powders of the invention.

As presented in Table I, the starting crystalline α monohydrate dextrose "A" has a compressibility according to test A of 50N whereas the dextrose powders of the invention have compressibility values according to the same test of at least 70N (respectively 77N, 103N and 103N).

Thus, the dextrose hydrate powder of the invention has a compressibility of at least 70N whereas the crystalline α monohydrate dextrose powder of Chase et al. has a compressibility of less than 70N.

In the Affidavit herewith joined, Mr. Philippe LEFEVRE further declares that the crystalline α monohydrate dextrose powder of Chase et al. has a compressibility of less than 70N and that it can be used as starting material for preparing the dextrose powder of the invention.

The Applicant respectfully submits, in view of the differences pointed out above and in view of the Affidavit provided, that novelty should be acknowledged.

The rejection under article 35 U.S.C. 102(b) over Chase et al. (WO 94/28181) should hence be withdrawn.

Rejections under 35 U.S.C. 103(a)

Claims 22 to 36 were rejected under article 35 U.S.C. 103(a) over Chase et al..

This rejection is respectfully traversed and reconsideration is requested for the reasons that follow:

As explained above, Chase et al. prepare crystalline dextrose hydrate in powder by the techniques of spray drying and crystallization.

The utility of the present invention is to obtain highly pure and compressible dextrose hydrate powder such as suitable for use in the industry, especially for preparing tablets.

In practice, it is very difficult to prepare compressed material from dextrose hydrate materials since they generally suffer low compressibility. The alternative was to add

binders to the dextrose hydrate so as to increase its cohesion and compressibility. Unfortunately this alternative is not appropriate when products having high purity are desired.

The Applicants succeeded in providing a dextrose hydrate material which has high purity and compressibility, while containing no added binder material.

Considering Chase et al., the person skilled in the art will find no disclosure nor teaching of a dextrose hydrate in powder having high purity and compressibility.

Thus, starting from Chase et al., the person skilled in the art would not have arrived at the invention in an obvious manner.

The rejection under article 35 U.S.C. 103(a) over Chase et al. (WO 94/28181) should hence be withdrawn.

*

* *

Favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted,

LABERGERIE et al.

By:


Richard L. Fix
Reg. No. 28,297

HENDERSON & STURM LLP
206 Sixth Avenue, Suite 1213
Des Moines, Iowa 50309-4076
Phone: 515-288-9589
Fax: 515-288-4860